THE WASHINGTON UNION.

THIRTY-FIFTH CONGRESS.

First Session.

THURSDAY, MARCH 11, 1858.

SENATE.

MEMORIALS, PETITIONS, ETC.

Mr. BROWN presented a petition of residents of the city of Washington, praying an appropriation of $5,000 for the purpose of lighting with gas Four-and-a-half street from Pennsylvania avenue to the southern point of the United States arsenal; which was referred to the Committee on the District of Columbia.

Mr. DOOLITTLE presented a memorial of the legislature of Wisconsin in behalf of the claim of John Shaw, and also the memorial of John Shaw, praying compensation for services and indemnity for losses sustained in furnishing supplies for several companies of rangers during the last war with Great Britain; which were referred to the Committee on Military Affairs.

Mr. CAMERON presented five memorials numerously signed by the first merchants and other citizens of the city of Philadelphia, urging the establishment of a line of mail steamers between that city and Brazil, touching at Savannah, Ga., and the West India Islands; which were referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill from the House of representatives to appropriate money to supply deficiencies in the appropriations for paper, printing, binding, and engraving ordered by the Senate and House of Representatives of the Thirty-third and Thirty-fourth Congresses, and which has been executed, reported it without amendment, and asked its immediate consideration; and no objection being made, it was read a third time and passed.

RESOLUTIONS ADOPTED.

On motion by Mr. SEWARD, a resolution was adopted requesting the President of the United States to communicate to the Senate any information in possession of any of the executive departments in relation to the alleged discoveries of guano in the year 1855, and the measures taken to ascertain the correctness of the same; and also any report made to the Navy Department in relation to the discovery of guano in Jarvis and Baker's islands, with the charts, soundings, and sailing directions for those islands.

On motion by Mr. FITCH, a resolution was adopted requesting the Secretary of the Interior to communicate to the Senate copies of all instructions from his department to the United States marshal for the district of Utah.

On motion by Mr. HARLAN, a resolution was adopted requesting the Secretary of War to communicate to the Senate such information as his department affords in relation to the sale of Fort Crawford military reservation, within the State of Iowa.

BILLS PASSED.

The following bills were considered and passed:
Bill for the relief of Ephraim Hunt.
Bill for the relief of the heirs of John B. Hand.

ADMISSION OF KANSAS.

Mr. HUNTER remarked that he had given notice yesterday of his intention to move to have a recess daily from four o'clock to six o'clock, p. m., in order that the Kansas debate might be concluded at the time fixed for taking the vote; but from some conversation which he had had with senators on the other side, he had been led to believe that there would be an opportunity for all to speak on the question who desired without having night sessions; and, therefore, he should withdraw the motion.

Mr. WADE presumed the senator from Virginia alluded to a conversation with him; and he wished to say that he could not mention any particular time when he could pledge himself that the debate would be finished. There was no disposition on his side of the chamber to prolong the time unnecessarily, but he thought they ought to have an opportunity to debate the bill in the usual hours of sitting, without being crowded into the late hours of night. No reason had been assigned by the friends of the bill for any great haste in this matter, and surely the Senate had not thus far been over diligent, for they had only sat one Friday, he believed, during the present session, and that was upon the extraordinary occasion of passing the treasury-note bill. He claimed the right to speak in behalf of the people of Ohio, and to do it in seasonable hours; but he did not wish to be understood as intending to spend a very long time in debating the bill, for he should not.

Mr. POLK then addressed the Senate in an able and argumentative speech in favor of the admission of Kansas under the Lecompton constitution. He remarked that Kansas, as well as Missouri, was situated in the territory which was ceded to this country by France, and the treaty guarantied the right of admission into the Union of the States formed from that territory, on an equal footing with the original States. Indeed, Kansas was only separated from Missouri by an imaginary line; and were there any good reasons why she should not be admitted, and if so, what were they? Has she not the requisite population? That is not denied by any one. Do not her people desire to be admitted as a State? There can be as little doubt upon that point. Nobody has opposed her admission for the reason that her people preferred that she should continue to occupy a territorial position. Even the disorganizers in the Territory, the opponents of law and order, long before the constitutional convention assembled at Lecompton, assumed to form a State constitution at Topeka, and presented it to Congress, asking admission under it as a State into this Union. Of course, the party in favor of the Lecompton constitution are in favor of admission as a State; and this, then, is a subject on which both parties are agreed. Both parties desire that Kansas shall be made a State. There is only one question more which Congress has any authority to ask, and that is, is the constitution republican in its form? Mr. P. remarked that he knew of no one except the senator from Connecticut [Mr. FOSTER] who denied that; and since it was generally conceded, there was no need of arguing that point. Thus the whole question was presented in a nutshell.

But this admission was resisted by argument, by denunciation, by stratagem, and by all the means that could be brought into requisition, *per fas aut nefas*; and he proceeded to notice and reply to some of the objections which have been urged. This constitution had been assailed on the ground that it was not an imbodiment of the will of the people; but what were the facts in relation to its formation? It was the deliberate and formal act of a convention of the people of the Territory, which assembled for the purpose of forming it. That convention was the result of a series of acts by the people, done with all the solemnity and under the forms of law—not in hot haste, and without time for deliberation and reflection, but with sufficient time intervening between each successive step of the proceeding to ascertain all the facts and weigh their consequences, and thus to judge of the effect of every step before taking it. The sense of the people was first taken on the question of the propriety of forming a constitution and State government. This was done by taking a vote of the people at a regular election, with all the forms necessary to elicit a fair, unbiased, and true expression of the popular will. That election was held in pursuance of a law passed by the territorial legislature, acting under the authority and in conformity with the provisions of the organic act; but it was not held until a year and a quarter had elapsed after the law was passed, thus giving ample time for a calm and deliberate expression of opinion. This vote was not taken at a special election, at which only a few voters might have turned out at the polls; but it was held at the same time and place that members of the territorial legislature and other territorial officers were chosen. Thus it was so ordered that there might be the fullest possible turn-out of the people, and therefore the fairest utterance of the popular will. That the popular will was fairly expressed there can be no reasonable doubt.

The next step was taken three months after this election transpired, when the result of the election came before the territorial legislature for its action. Time enough had intervened for the result to be known in every log-cabin in the Territory, and throughout the whole country. This legislature had been chosen with a full knowledge that the subject of the admission of Kansas into the Union as a State would come before it, and therefore may be supposed to have imbodied the will of the people in its action on this subject; and the legislature, in conformity with the will of the people, provided for calling a constitutional convention. Then a period of four months was allowed to elapse after the passage of the law to that effect before the election of delegates to the constitutional convention—thus giving the people plenty of time for bringing out their candidates, canvassing their merits, discussing the subjects involved in the contemplated action, and doing everything necessary in order to have a fair election. The election of delegates took place, and then another interval of three months elapsed between that election and the session of the convention, thus affording ample time and opportunity to any person who wished to contest the seat of any member, and giving the members an opportunity to prepare themselves for a proper discharge of the responsible trust which had been committed to their hands by their fellow-citizens.

Contrast these proceedings with what transpired in the Territory of Minnesota. In the latter case, the will of the people was determined by the delegates, and they proceeded to form a State constitution. Here was a great contrast, and it is in favor of the legality and fairness of the proceedings in Kansas. The great, primordial question whether they wished to come into the Union at all or not was determined in Minnesota, not by the people themselves, but simply by these delegates. To the people of Minnesota this question was never submitted by a direct vote; in Kansas it was. If it was necessary in the case of Kansas that the whole constitution should be submitted to the people at the polls for their approval or rejection, was it not equally necessary in Minnesota that the question whether they would have a State constitution at all or not should be submitted to the people? In Kansas they submitted the question whether they wished to come into the Union; in Minnesota they did not. In Minnesota they submitted the whole constitution to the people; in Kansas they did not, but they did submit that which was the single and vital question before the people. The question whether they would tolerate slavery or not was submitted to the people in accordance with the direct provisions of the constitution; and by the people that question has been settled.

When looking at the successive steps of these proceedings, not from the low party arena, but from the standpoint of the patriot who loves representative liberty—liberty reposing on written constitutions and regulated by law—what a magnificent spectacle in presented, of the people of that Territory marching forward with a stately pace to the accomplishment of their purpose, with a movement as grand as the flow of the tides or the travel of the stars. The Lecompton constitution was quite as unexceptionable as the constitutions of most of the States of the confederacy; and if it had not contained an article tolerating slavery, no doubt it would have passed without challenge from most of those throughout the land who have raised the most vehement clamor against it.

But it was alleged that there were some irregularities in some of the proceedings preceding its adoption. In regard to this matter, some senators had fallen into gross errors, both of fact and theory. Mr. P. then went on to answer the objections that in the election of delegates to the convention a test oath was required, and that half of the counties in the Territory were disfranchised by no act of their own. He denominated it a monstrous proposition that one legislative body should pass upon the election returns of the members of another. It had also been charged that there had been invasions of Missourians, who controlled the elections in the Territory. He thought it a sufficient reply to this to show that there were enough pro-slavery men in the Territory to carry the elections, and it would therefore have been a work of supererogation for the people of Missouri to go there for the purpose of assisting them. These charges, although repeatedly made and earnestly insisted upon, were destitute of proof. In all the mass of evidence taken by the committee of the House of Representatives, there cannot be found the testimony of a witness who would swear that a single voter in any district was prevented from voting by any Missourian or Missourians. They were there, it was said, with arms in their hands; but they made no aggression or attack upon anybody. It was eminently a peaceful election; and in this respect it would contrast favorably with the elections in the early history of some of the older States of this Union.

The election of the 4th of January he regarded as entirely inoperative upon the Lecompton constitution. The legislature had no authority to interfere with the work of the convention in any way; they could neither make a constitution nor intervene with the making of a constitution. If such a power could be admitted, any subsequent legislature could do the same thing; if it could be done within six weeks, it could be done within six years. But in addition to that, he believed it could be demonstrated to a reasonable certainty, that a large portion of the vote of ten thousand against the constitution on the 4th of January was spurious.

It was urged that the admission of Kansas under the Lecompton constitution would lead to civil war. No man could deprecate such a result more than himself; but he could not be deterred from doing what he believed to be his duty on account of forebodings of evil which he never expected would be realized. Let Kansas be admitted, and when the burdens of government fall on the people it will subdue insubordination with marvellous rapidity. He therefore believed the admission of Kansas would prove a measure of pacification there and throughout the entire land.

Allusion was made to the epithet "border ruffians," by which a portion of his constituents had been stigmatized. Among the population inhabiting the counties of Missouri bordering on Kansas were men who in point of natural endowment, education, and intelligence, would not suffer by comparison with the population of the same number of counties in any part of our widely-extended country. There were also in those counties frontier men, who were entitled to respect for their noble, manly character; they were not silky, slippery, and subtle—the fit instruments of treachery and deception—but brave, generous, intrepid, and hospitable. They were the pioneers of civilization; they were the first to follow the star of empire on its western way. By them the seeds of liberty have been scattered, and, falling into the rich and virgin soil of the West, they will spring up and bear abundant fruit for all who shall succeed them. Rough in exterior, they may have at times committed errors, but they were errors of the head and not of the heart; and those men were not justly liable to the censure and obloquy which have been heaped upon them.

Mr. BENJAMIN said that after the able and eloquent discourse which had been delivered by the senator from Missouri, if he should have regarded his own feelings, he would have chosen to take another occasion for the expression of his own views on this question; but he was admonished by the increasing impatience of senators, and by the desire not only of this body, but of the country at large, to arrive at an early decision of this subject, that all other considerations must give way, and each senator must do his duty as promptly as he may. The truth in respect to this Kansas controversy, which has been concealed by a cloud hitherto, now begins to become apparent to all; for it is now boldly avowed that Kansas shall never be admitted as a slave State into this confederacy—not even, in the language of the senator from Maine, [Mr. FESSENDEN,] if the whole people of the Territory concurred in establishing a constitution recognising slavery. Opinions thus maturely formed, and thus boldly avowed, were not to be affected by any argument he could offer; but so long as he had a constitutional duty to perform on this floor, he deemed it among the most sacred of all obligations to protest against the doctrines thus asserted, and expose, so far as he could, the fallacies by which those doctrines were supported. But he had also another duty to perform. As a member of that committee which is charged with the examination of all subjects touching the judiciary of the country, he deemed it his duty to reply to those charges which had here been brought against the highest judges of the land, with a violence and recklessness—and he regretted to be compelled to add, with a disregard of truth and decency which would yet bring down upon their authors the indignant condemnation of their countrymen.

The question is now narrowed down to a single point, whether it be competent for Congress, directly or indirectly, to exclude slavery from the Territories of the United States. The Supreme Court have given a negative answer; and he would endeavor to support it by arguments independent of the decision of that court. The radical, fundamental error which underlies the argument in affirmation of this power, is the assumption that slavery is the creature of statute law, in the several States where it is established—that it has no existence outside of the limits of those States—that slaves are not property beyond those limits, and that property in slaves is neither recognised nor protected by the constitution of the United States, nor by international law. Mr. B. said he controverted all these propositions, and proceeded to show, that as the thirteen colonies, when British colonies, were governed by British law, our ancestors brought with them the common law of England as their birthright, and adopted its principles for their government. England established slavery in those colonies, and protected the institution; she originated and carried on the slave trade, supported and fostered that trade, and forbade the colonies either to emancipate or to export their slaves; she also prohibited them from inaugurating any legislation in diminution or discouragement of the institution. He also said that African slavery existed in England at the date of the revolution, and slaves were sold at the Exchange, at the markets, and other places of public resort in London, as in this country. Consequently, slavery was the common law of the thirteen States at the time they burst the bonds of the mother country, and it would to this day exist in every northern State if it had not been abolished. Slavery, in its broadest sense, existed in England in the time of Queen Elizabeth; the slaves were only manumitted by her upon paying for themselves; and the institution did not entirely disappear until the time of James the Second.

Mr. B. sustained the decision of the Supreme Court in the Dred Scott case, and replied to the attacks of Messrs. COLLAMER and FESSENDEN on that decision, in an able and convincing manner. Upon the conclusion of his remarks—

Mr. CHANDLER obtained the floor, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Mr. REAGAN, of Texas, presented certain joint resolutions of the legislature of that State, asking the establishment of a military post on the frontier of Texas; which were referred to the Committee on Military Affairs and ordered to be printed.

Also, joint resolutions in relation to the Texas Indians; which were referred to the Committee on Indian Affairs and ordered to be printed.

THE ARMY BILL.

The House then resumed the consideration of the bill to provide for the organization of a regiment of mounted volunteers for the defence of the frontier of Texas; and to authorize the President to call into the service of the United States four additional regiments of volunteers.

Mr. STANTON, of Ohio, said he preferred the bill reported by Mr. QUITMAN to that reported by Mr. FAULKNER, from the minority of the Committee on Military Affairs, because, if there existed any necessity for any increase of the army, it could only arise out of the temporary disturbances in the Territory of Utah, which it was reasonable to believe would be disposed of in a single campaign. Regular troops would and will, as a general rule, be enlisted in the cities and large towns, and would belong to that class of population which go into the army as a refuge from starvation. They had no knowledge of frontier life or warfare, and therefore were wholly unfit for any such service. On the other hand, if they called volunteers, they would be composed of men residing upon the borders, and acquainted with border life and warfare, and therefore the better qualified for the service. He had another reason vastly stronger which induced him to prefer the report of the chairman. The proposition of the chairman was to raise a volunteer force for a specific service—for suppressing disturbances in Utah, preserving the borders of the northwestern frontier from Indian depredations, and protecting the emigrant trains. They could be used for no other service. If regular troops were called into the service they were to be officered by the President of the United States; and if his information was correct, one hundred and eighty-five commissioned officers would be called into the service if five regiments should be raised. He was opposed at all times to any increase of the executive patronage, and he was especially opposed at this time, for the reason that he did not believe that that patronage would be properly exercised. And he was opposed to any increase, either temporary or permanent, of regulars or volunteers, because he did not believe the exigencies of the service demanded it. He entertained no doubt that if Kansas was admitted under the Lecompton constitution, and the people rose against it, an insurrection would be declared, and this increase of the army was wanted mainly for the purpose of putting it down. He saw no difference between the service of the marines in the city of Washington, which resulted in the murder of some ten or a dozen inoffensive citizens, and the outrages inflicted upon the people of Kansas.

Mr. COBB, of Alabama, inquired whether the republicans of the last Congress did not denounce President Pierce for not sending troops to Kansas.

Mr. STANTON replied that the last Congress did insist that it was necessary to send troops there to protect the people from invasion, but never asked the President to send the regular army there to protect the people of Kansas from themselves. He believed that it was the duty of the President to use the army to protect every portion of the Union from invasion. He contended that the militia should be used in quelling the disturbances in Utah, and argued that, even if the House did authorize an addition to the regular army, the President could not use them under the constitution.

Mr. PENDLETON, of Ohio, obtained the floor.

The morning hour having expired,

A QUESTION OF PRIVILEGE.—THE SELECT COMMITTEE ON KANSAS.

Mr. HARRIS, of Illinois, said he wished to submit a question of privilege.

Several MEMBERS. "What is it?"

Mr. HARRIS. The question is connected with the action of the special committee appointed by order of the House on the 8th of February last. Myself and six other members of that committee—

Mr. LETCHER, of Virginia. Is that a question of privilege? [Confusion.]

The SPEAKER. The Chair will hear the statement of the gentleman from Illinois, in order that he may at least ascertain whether or not a question of privilege is involved.

Mr. HARRIS. Myself and six who acted with me, comprising six, or in all seven members of that committee, feel it due to themselves and the House, under whose order they were appointed, to present facts to the House sustaining their views that the committee has failed to execute the order of the House.

The SPEAKER. The Chair is of opinion it does not involve a question of privilege.

Mr. HARRIS. I have not presented the question.

The SPEAKER. The Chair decides that no question of privilege can be involved.

Mr. HARRIS. If the facts turn out as I state them, does it not contain a question of privilege?

The SPEAKER. The Chair decides that no report of facts can emanate from the minority of a committee.

Mr. HARRIS. I wish to state the facts so that there may be no misapprehension on my part or on the part of the House.

Mr. STEVENSON, of Kentucky. I rise to a point of order. The Chair has already decided the question, and the remarks of the gentleman are not in order.

Mr. HARRIS. The point I wish to present is this: That the committee is not discharged, and has not executed the order of the House, and that I claim to be a question of privilege.

The SPEAKER. The Chair overrules the point upon two grounds. In the first instance, there can be no such thing known, under parliamentary law and the practice of the House, as a report from the minority of a committee. It has been usual, in the practice of this and other bodies, to receive the views of the minority of a committee, but it is a matter of courtesy and not of right.

Mr. HARRIS. It is not a report, but a statement of fact upon which are based the privileges of the House.

The SPEAKER. The Chair is of opinion that in that respect the gentleman cannot present a question of privilege, as no report has been presented to the House, and the Chair has no means of knowing what has been the action of the committee.

Mr. HARRIS. I appeal from that decision, and inquire whether it is not the practice of the body to submit to the House whether or not it is a question of privilege.

The SPEAKER. Not always. The Chair has no doubt upon the present question, and decides it for himself. The gentleman has the right to appeal.

Mr. HARRIS, (with spirit.) I appeal, and ask for the yeas and nays.

Mr. STEPHENS, of Georgia. I move that the appeal be laid on the table.

Mr. WASHBURN, of Maine, attempted to speak.

Mr. CLINGMAN, of North Carolina. I object to debate.

Mr. WASHBURN. I ask the Chair whether it is not the privilege of the House that its committees shall obey its orders?

The SPEAKER. It is. If a committee has not obeyed the order of the House it is competent for the House to recommit with further instructions, or to discharge the committee.

Mr. WASHBURN. Cannot the minority bring their report before the House in some shape?

The SPEAKER. The Chair decides that it cannot, and the gentleman knows it himself that, according to parliamentary law, no report can emanate from a committee except through the majority. It is the practice to receive the views of the minority, but that is done by courtesy, and not as a matter of right.

Mr. CLINGMAN, of North Carolina. I ask whether it is in order at this time for the majority to report?

The SPEAKER. The majority cannot report at this time.

Mr. WINSLOW, of North Carolina. I move that there be a call of the House.

The question was taken, and the motion was not agreed to—yeas 99, nays 108—as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Arnold, Atkins, Avery, Barksdale, Bishop, Bocock, Bonham, Boyce, Bryan, Burnett, Caskie, Clark of Missouri, Clay, Clingman, Cobb, John Cochrane of New York, Corning, Craig of Missouri, Craige of North Carolina, Crawford, Curry, Davidson, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, Faulkner, Florence, Gartrell, Gilmer, Goode, Greenwood, Gregg, Hatch, Hawkins, Hill, Hopkins, Hughes, Huyler, Jackson, Jenkins, Jones of Tennessee, J. Glancy Jones and Owen Jones of Pennsylvania, Kelly, Kunkel of Maryland, Lamar, Landy, Letcher, Maclay, McQueen, Mason, Maynard, Miles, Miller, Millson, Moore, Niblack, Pendleton, Peyton, Phelps, Phillips, Powell, Quitman, Ready, Reagan, Reilly, Ruffin, Russell, Savage, Scales, Scott, Searing, Seward, Shaw of North Carolina, Shorter, Sickles, Smith of Virginia, Stallworth, Stephens, Stevenson, Stewart of Maryland, Talbot, Taylor of Louisiana, Underwood, Ward, Warren, Watkins, Whiteley, Winslow, Woodson, Wortendyke, Wright of Georgia, Wright of Tennessee, and Zollicoffer—99.

NAYS—Messrs. Abbott, Andrews, Bennett, Billinghurst, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Burroughs, Campbell, Case, Chaffee, Clark of Connecticut, Clawson, Cockerill, Colfax, Comins, Covode, Cox, Cragin, Curtis, Damrell, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, English, Farnsworth, Fenton, Foley, Foster, Giddings, Gilman, Gooch, Goodwin, Granger, Grow, Hall of Massachusetts, Harlan, Harris of Maryland, Harris of Illinois, Hickman, Hoard, Horton, Howard, Kellogg, Kelsey, Kilgore, Knapp, Kunkel of Pennsylvania, Lawrence, Leach, Leiter, Lovejoy, McKibbin, Marshall of Kentucky, Marshall of Illinois, Matteson, Montgomery, Morgan, Morrill, Morris of Pennsylvania, Morris of Illinois, Morse of Maine, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Pike, Potter, Pottle, Purviance, Ricaud, Ritchie, Robbins, Roberts, Royce, Shaw of Illinois, Sherman of Ohio, Sherman of New York, Smith of Illinois, Spinner, Stanton, Stewart of Pennsylvania, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Washburne of Wisconsin, Washburne of Illinois, Washburn of Maine, Wilson, and Wood—108.

ABSENT OR NOT VOTING—Messrs. Bowie, Branch, Burns, Caruthers, Chapman, Clark of New York, Clemens, C. B. Cochrane of New York, Dewart, Eustis, Garnett, Gillis, Groesbeck, Hall of Ohio, Haskin, Houston, Jewett, Keitt, Leidy, Morse of New York, Sandidge, Singleton, Smith of Tennessee, Taylor of New York, Trippe, and White—26.

The question was then taken on the motion of Mr. STEPHENS that the appeal be laid on the table; and it was not agreed to—yeas 97, nays 112—as follows:

YEAS—Messrs. Anderson, Arnold, Atkins, Avery, Barksdale, Bocock, Bonham, Boyce, Bryan, Burnett, Caskie, John B. Clark, Clay, Clemens, Clingman, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Curry, Davidson, Reuben Davis, Dimmick, Dowdell, Edmundson, Elliott, Faulkner, Florence, Gartrell, Gillis, Goode, Greenwood, Gregg, Hatch, Hawkins, Hill, Hopkins, Hughes, Huyler, Jackson, Jenkins, G. W. Jones, J. G. Jones, O. Jones, Kelly, J. M. Kunkel, Lamar, Landy, Letcher, Maclay, McQueen, Mason, Maynard, Miles, Miller, Millson, Moore, Niblack, Pendleton, Peyton, Phelps, Phillips, Powell, Quitman, Ready, Reagan, Reilly, Ruffin, Russell, Savage, Scales, Scott, Searing, Seward, Henry M. Shaw, Shorter, Sickles, William Smith, Stallworth, Stephens, Stevenson, Jas. A. Stewart, Talbot, Miles Taylor, Trippe, Ward, Warren, Watkins, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—97.

NAYS—Messrs. Abbott, Adrain, Andrews, Bennett, Billinghurst, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Burroughs, Campbell, Case, Chaffee, Ezra Clark, Clawson, Cockerill, Colfax, Comins, Covode, Cox, Cragin, Curtis, Damrell, H. Winter Davis, John G. Davis, Timothy Davis of Massachusetts, Timothy Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, English, Farnsworth, Fenton, Foley, Foster, Giddings, Gilman, Gilmer, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, J. Morrison Harris, Thomas L. Harris, Haskin, Hickman, Hoard, Horton, Howard, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Lawrence, Leach, Leiter, Lovejoy, McKibbin, Humphrey Marshall, Samuel S. Marshall, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Pike, Potter, Pottle, Purviance, Ricaud, Ritchie, Robbins, Roberts, Royce, Aaron Shaw, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Washburne of Wisconsin, Washburne of Illinois, Washburn of Maine, Wilson, and Wood—112.

ABSENT OR NOT VOTING—Messrs. Ahl, Bishop, Bowie, Branch, Burns, Caruthers, Chapman, Horace F. Clark, Clark B. Cochrane, Dewart, Eustis, Garnett, Groesbeck, Lawrence W. Hall, Houston, Jewett, Keitt, Leidy, Oliver A. Morse, Sandidge, Singleton, Samuel A. Smith, Geo. Taylor, and White—23.

Mr. WINSLOW, of North Carolina. I move that the House adjourn, and upon that motion I call for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 89, nays 129. So the House refused to adjourn.

The question recurring upon sustaining the decision of the Chair,

Mr. MARSHALL, of Kentucky, said he should like to have an opportunity to consult authorities; and therefore moved that the appeal be postponed till to-morrow at one o'clock.

Mr. STEPHENS had no sort of objection to that motion, and suggested to the gentleman from Kentucky, to the House, and the gentleman from Illinois that they permit what he had asked yesterday, that the report of the majority be now presented, and then, if the gentleman wanted the committee discharged, the subject would properly come up.

Mr. HARRIS remarked that the gentleman from Georgia was willing to postpone the subject provided the report should be allowed to come before the House.

Mr. HUGHES, of Indiana, inquired whether the proposition of the gentleman from Kentucky was debatable.

The SPEAKER decided that it was.

Mr. HARRIS said the gentleman from Indiana was prolific of questions of order.

The SPEAKER announced that the gentleman was entitled to discuss the propriety of postponing the question.

Mr. HARRIS proceeded with his remarks. So far as the propriety of that report coming in with the proposition which he proposed to submit was concerned, he should not object to it. It came in as a part of the proceedings of the committee, and when he proposed to read to the House the journals and minutes of the committee, those journals and minutes might properly imbody the report the gentleman wished to make.

Mr. SEWARD, of Georgia, inquired what question was before the House.

The SPEAKER stated that the gentleman from Illinois was speaking to the motion of the gentleman from Kentucky to postpone the further consideration of the subject.

Mr. HARRIS said he found that report published in the *Union* of this morning. It was a singular thing that this report should go before the country without the authority of the House. He was willing to take the report as printed in the *Union* and place it on the minutes of the committee, imbodying it where it belonged, and let it go in with the proposition which he wished to submit on the question, and be printed with it. But he was not willing to concede the right of the gentleman to make a report as the report of the committee for the action of the House, when he stood in his place as the representative of six other colleagues, who united with him in declaring that that committee had not executed the order of the House. He would not consent that the report should come before the House as the report of the committee; but he was willing that the document which the gentleman had read in the committee might go into the minutes and proceedings of the committee, in order that the House might see whether or not the committee had executed its order under which it had been raised. The gentleman by that means would get his report printed.

Mr. SEWARD, of Georgia, inquired whether it was in order to discuss the merits of the question on the pending motion. He was opposed to compromise.

The SPEAKER stated that the gentleman from Illinois must confine himself to the question of postponement.

Mr. HARRIS remarked that when the gentleman from Georgia proposed to introduce his report, there had been no point of order made. He had had at least three made upon him in the last four minutes, still in keeping with the whole proceedings on the Kansas question.

The SPEAKER. The gentleman is not in order.

Mr. SEWARD. I withdraw my point of order.

The SPEAKER. The question of postponement only could be debated.

Mr. HARRIS said he would endeavor to confine himself to the question. He had no objection to the presentation of the report as a part of the proceedings of the committee, but should object to its coming in as the report of the committee. He was compelled to do so, believing that the committee had not conformed to the order of the House.

Mr. STEPHENS said the purpose of the minority was to deny the right of a committee appointed by the House, in pursuance of its own resolution, to make its report, and raised a question——

The SPEAKER suggested to the gentleman that he should confine himself to the question.

Mr. STEPHENS, of Georgia, replied that he was confining himself to the remarks of the gentleman from Illinois.

The SPEAKER stated that the question was the postponement of the subject until to-morrow.

Mr. SEWARD remarked that the objection had been withdrawn.

Mr. STEPHENS said he should address himself strictly to the merits of the motion. The object of the gentleman from Illinois was that the report of the majority should never come before the House. He said he would allow him to put it upon the minutes.

Mr. HARRIS denied that it was his purpose that that report never should come in. If the House should determine from the records and minutes he placed before them that the committee had executed its order, then he should not object to his making his report *instanter*.

Mr. STEPHENS replied that that was a question which the House could judge of when their own committee had made their report. According to parliamentary law, the majority had a right to present their views in response to the instructions of the House. He was willing to pursue that course, and let the majority present their views, and if the House thought they had not discharged their duty, let the subject be recommitted, and let the gentleman from Illinois take what course he pleased. He repeated that this was an extraordinary question of privilege—the privilege of the minority to come into the House and say that the majority had not discharged their duty—in direct violation of parliamentary law and the practice of legislative bodies, the like of which could not be found. No such motion, no such precedent, (he ventured to say,) from the foundation of the British Parliament, or in this country, could be found.

Mr. LOVEJOY, of Alabama. Will the gentleman allow me to ask a question?

Mr. STEPHENS. I will.

Mr. LOVEJOY (after evincing considerable hesitation) replied that he would not put it.

Mr. HARRIS supposed he had concluded what he had to say.

Mr. STEPHENS said he was anxious yesterday that the majority should be permitted by general consent, as was the case at the last Congress, to have their report presented. Let them make their report; let the question be postponed until to-morrow, or the next day, or any day, and bring the question before the House whether or not the committee should be discharged.

Mr. SHERMAN, of Ohio, remarked that the report of the Kansas committee at the last Congress was objected to by the other side of the House, and was only presented as a question of privilege involving the right of a delegate to his seat.

Mr. STEPHENS replied that he recollected well that the report was received, and that ten days were allowed for the minority to report, and then the majority and minority reports were printed. He knew he did what he could to bring about that state of affairs.

Mr. HARRIS said the gentleman from Georgia had characterized the proceedings as extraordinary and unheard of, but he thought when he came to examine the question, if he did not find one particle of law, common sense ought to make a law for the occasion. He believed the gentleman would find law sufficient to justify the minority whenever they saw fit to bring to the knowledge of the House that its order had not been obeyed.

Mr. E. JOY MORRIS, of Pennsylvania, inquired whether the presentation of the report would not discharge the committee.

The SPEAKER replied that it might, or might not. If the report was presented and accepted by the House, the Chair is of opinion that the committee would be discharged.

The question recurring on Mr. MARSHALL's motion,

Mr. HUGHES moved that it be laid on the table.

Cries of "Oh no!"

Mr. SICKLES, of New York, inquired whether they could not recommit the subject with instructions.

The SPEAKER stated that the motion to lay on the table was not in order.

The question was then taken on the motion to postpone, and it was agreed to—ayes 166, noes not counted.

APPROPRIATION BILLS—THE ADMISSION OF KANSAS—THE UTAH REBELLION.

On motion of Mr. J. GLANCY JONES, of Pennsylvania, the House went into Committee of the Whole on the state of the Union (Mr. FLORENCE, of Pennsylvania, in the chair) and resumed the consideration of the bill making appropriations for the consular and diplomatic expenses of the government for the year ending 30th June, 1859.

Several amendments were proposed, which elicited considerable discussion, but none of which were adopted except one submitted by Mr. SHERMAN, of Ohio, providing that the money appropriated should be applied strictly to the objects specified within the time of the fiscal year, and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

On motion of Mr. LETCHER, of Virginia, the House then took up the bill to supply deficiencies in the appropriation for the service of the fiscal year ending June 30, 1858.

Mr. CASE, of Indiana, discussed the Kansas question, opposing the admission of Kansas under the Lecompton constitution. He condemned the course of the administration, and claimed that the constitution did not express the will of the people.

Mr. BOYCE, of South Carolina, discussed the Utah question. He said it was a very grave undertaking to make war upon a portion of our own people. The question was what policy should they pursue toward them. Before determining that, they should seek to ascertain the probable advantage which they would gain. The immediate and practical issue presented was not merely whether order should be preserved in Utah, but whether our communication should be uninterrupted to the Pacific coast. If that were secure it would be immaterial what disorder reigned among the people of Utah. Utah might be turned into a pandemonium if it did not interfere with the necessary passage to the far western coast. The time had not come when that region would be required for the emigration of the civilized world. It was not desired to make that the seat of empire for many years. Therefore, the only practical question was in reference to the preservation of our communication with the Pacific. This could be effected by peace or by war. The pacific mode had great advantages, and was more congenial with the institutions of our government. Our government was a government of peace, which sought to govern by public opinion. If they could succeed by peace they should succeed perfectly. In his opinion, the difficulty could be amicably adjusted, for the Mormons were not exceptions to mankind and could be swayed by interest. It was their interest to have peace, and why should they seek anything else? If they should proceed to forcible means, the burning down of cities and the washing of the fields with their blood, they would effectually cut off all communication with our extreme western frontier, drive the Mormons to the mountains, and make them unmerciful guerrilla marauders. This mode of proceeding would be most disastrous.

Mr. LETCHER, of Virginia, obtained the floor, when the committee rose and reported the consular and diplomatic appropriation bill to the House with an amendment.

Mr. J. GLANCY JONES, of Pennsylvania, moved that the bill be put upon its passage, and demanded the previous question; which was sustained.

And then, on motion of Mr. GROW, of Pennsylvania, at ten minutes of 5 o'clock, p. m., the House adjourned.

PETITION.

By Mr. LANDY: A petition was numerously signed by merchants and citizens of Philadelphia praying Congress to enter into a contract with Thomas Rainey for transporting the mails of the United States between Philadelphia and Brazil: referred to the Committee on the Post Office and Post Roads.

OFFICIAL.

TREASURY DEPARTMENT,
February 12, 1858.

NOTICE IS HEREBY GIVEN that sealed proposals will be received at this department until the fifteenth day of March proximo for the issue of any portion, or the whole, of five millions of dollars in treasury notes in exchange for gold coin of the United States deposited with the treasurer of the United States, the treasurer of the Mint at Philadelphia, the treasurer of the branch mint at New Orleans, or the assistant treasurers at Boston, New York, Charleston, or St. Louis, within ten days from the acceptance of such proposals, under the authority of the act of Congress entitled, "An act to authorize the issue of treasury notes," approved 23d December, 1857.

The treasury notes will be issued upon the receipt here of certificates of deposite with those officers to the credit of the treasurer of the United States. They will be made payable to the order of such bidder or bidders as shall agree to make such exchange at the lowest rate of interest, not exceeding six per centum per annum, and will carry such rate from the date of the certificate of such deposite.

The proposals must state the rate of interest without condition and without reference to other bids, and contain no other fractional rates than one fourth, one half, or three fourths of one per centum. Five per centum of the amount proposed to be exchanged must be deposited with one of the treasury officers above enumerated, whose certificate of such deposite must accompany each proposal as security for its fulfilment. If the proposal is not accepted, immediate directions will be given to return such deposite. Should the proposals be variant from the provisions of the act of Congress, or of this notice, they will not be considered.

All proposals under this notice must be sealed, and inscribed on the outside, "Proposals for Treasury Notes." They will be opened at this department at 12 o'clock, m., on said fifteenth day of March.

HOWELL COBB,
Secretary of the Treasury.

Feb 12—dtf [Intel.&Star.]

DEPARTMENT OF STATE,
Washington, March 9, 1858.

Information has been received at this department from G. G. Fleurot, esq., the United States consul at Bordeaux, of the death at that place of Mr. Franco Columbus Fenwick, a citizen of the United States, and for several years past a resident at Bordeaux. Mar 11—3tif

WASHINGTON CITY.

FRIDAY MORNING, MARCH 12, 1858.

YESTERDAY'S PROCEEDINGS IN THE HOUSE.

The attentive reader of congressional proceedings will be attracted by those of the House on yesterday. Mr. Thomas L. Harris endeavored to bring the proceedings of his committee of fifteen on Kansas affairs before the House on a question of privilege.

It will be remembered that Mr. Stephens on the day before had endeavored to present the report of the majority of the committee; but that, objection being made to receiving it on a point of order, its presentation had been left to await the regular course of business in the House.

The question of privilege on which Mr. Harris endeavored to obtain the action of the House yesterday, seemed to have been based upon the proposition that the committee had not executed the order of the House for which it was raised. The Speaker decided that a question of privilege could not arise on such a fact if it existed; and from this decision Mr. Harris appealed. The test voting was on this appeal.

Upon the hypothesis that the committee had not executed the order of the House, the regular course of proceeding certainly would have been to receive the report proffered by the *majority* of the committee, (through which alone the House could obtain any knowledge at all of the action of the committee,) and for the House to found whatever action it might see proper to take in the premises upon that report and the accompanying minutes of the committee's proceedings. The usual course of proceeding, where a parliamentary body is of opinion that a committee has not executed the order intrusted to it, is, to recommit the subject-matter either to a new committee, discharging the old one; or to the old committee; or to the old committee enlarged.

This was precisely the course recommended by Mr. Stephens on Wednesday last, namely: that the House should receive the report of the committee, (the majority of it,) and then either adopt the report or recommit the subject-matter orginally referred, as it might see proper to order.

Mr. Harris's object, yesterday, was to procure a virtual recommittal—but to do it by indirection—to do it in an irregular and unparliamentary manner—to do it in a manner which should deny the right of the majority of the committee to speak for and in the name of committee—which should deny that the report of the majority was a report at all. The whole clamor of Mr. Harris's party in the House in this Kansas controversy is founded on the supremacy of the majority. But here is an effort to deny to the majority of a legislative organ the right to speak in its name. Here is an assault upon constitutional law and the rules of parliamentary procedure, by the same party which have resisted for three years the constitutional authorities in Kansas and repudiated the legal and orderly modes of popular and governmental action.

The action proposed by Mr. Harris is reprehensible in two particulars. It is so in the fact that it seeks to repudiate the majority of the committee of the House as the legal organ of the committee. It is reprehensible, moreover, in seeking to do so in an irregular and unparliamentary manner, when a perfectly regular and parliamentary mode is open for the purpose. It is both wanton and revolutionary.

But the most mortifying feature of these proceedings was the fact that on the test vote to lay on the table Mr. Harris's appeal from the decision of the Speaker denying that the action of the committee created a question of privilege, several members of the American party from the southern States voted with the black-republican party.

It is very plain that if the half-a-dozen gentlemen of the American party from the southern States, who voted yesterday with the solid black-republican phalanx, continue to do so to the end, the prompt admission of Kansas will be seriously jeoparded. We cannot believe that it is the ultimate intention of such men as Messrs. Marshall, Ricaud, Harris of Maryland, Gilmer, and others, to vote against this measure on its final passage. If they do not cherish such an intention, and desire the speedy consummation of the measure, we cannot refrain from expressing the opinion, that they are jeopardizing that object, inasmuch as every vote they shall now give in the preliminary stages of the struggle in company with the enemies of the measure, will render the struggle more and more arduous as it progresses.

We have seen with surprise and regret an angry assault upon the great measure now before Congress on the part of leading opposition journals in two or three southern States. Wherever the peripatetic lecturer of the Louisville *Journal* has deposited the spawn of his premeditated wit at fifty cents a head, we have observed a speedy outbreak of editorial wrath from his editorial brethren against the Lecompton constitution. The onslaught is levelled at the proposed feature of the Senate bill known as the Pugh amendment, and we had supposed that that amendment, if it should become a part of the bill, would be the ostensible ground of southern know-nothing opposition to the measure.

But the movement of Mr. Harris seems to have flushed the covey before the appointed time. The proceedings of yesterday would seem to indicate that the southern know-nothing outcery against the Pugh amendment is only a pretext, and that those southern know-nothings who will vote with the black-republicans will do so without any reference to the Pugh amendment. If they can vote with Mr. Harris, that the majority of a committee may not report in the name of the committee, and that a legislative body may recommit a subject-matter and enlarge a committee before the committee has informed it of the progress it has made, upon the informal and unparliamentary allegation of a minority, it seems to us that they can vote any black-republican absurdity and monstrosity whatever.

It will be seen from our regular report of the House proceedings that several democratic members were absent from their posts on yesterday.

The members of the Baltimore Corn and Flour Exchange have determined, by a very large majority, to erect a new general exchange building on the property offered by Col. Kane. The American says that "this action upon the part of the Corn and Flour Exchange will unite all the commercial interests of the city in an enterprise that will provide our merchants with an exchange building commensurate with their needs and an ornament to Baltimore."